



# **FREE TO THRIVE**

A Fresh Start for Human Trafficking Survivors

## **Little Hoover Commission - Written Testimony Jamie Beck, President & Managing Attorney, Free to Thrive**

### **Overview of Free to Thrive**

#### **Our Mission**

Free to Thrive empowers survivors of human trafficking to be free from exploitation and thrive by providing them with legal services and connections to other supportive services.

#### **Who We Serve**

Free to Thrive serves some of the most vulnerable members of our community including homeless and indigent individuals, current and formerly incarcerated women, LGBTQ+ individuals, current and former foster youth, victims and survivors of domestic violence and individuals with mental and cognitive disabilities, all of whom are human trafficking survivors or extremely vulnerable to being trafficked. The vast majority of our clients are victims of sex trafficking while the remainder are victims of labor trafficking or both. Our clients' ages range from 18 to late 50s, with the majority of our clients in their late 20s and early 30s. Most of our clients were born in the United States and represent various races and ethnicities to include White, Black, Hispanic, Filipino and multiple-races. Free to Thrive provides services to this target population who reside in San Diego County or have a legal need in San Diego County.

#### **Our Model**

The Free to Thrive Legal Clinic ("Clinic") is the first of its kind in San Diego County to provide mobile, holistic and trauma-informed legal services to survivors of human trafficking in their recovery and transition from victims to survivors, and ultimately to thriving members of our community. The Clinic is designed to promote overall client wellness and help clients achieve their full potential by breaking down barriers and building opportunities. The Clinic is an innovative collaboration with law firms, law schools, social service providers, law enforcement, and government agencies. The Clinic is managed by a Managing Attorney who oversees a dedicated team of staff attorneys, law student interns and *pro bono* attorneys. This Clinic model has proven to be an effective model for reaching and serving our client population.

The **mobile** nature of the Clinic is one of the qualities that sets Free to Thrive apart from other legal service providers. Free to Thrive operates multiple onsite clinic locations throughout San Diego County at partner organizations that serve adult and youth victims of human trafficking and other vulnerable populations and one clinic location at Las Colinas Detention and Reentry Facility (San Diego's women's jail). Clinics are also held at safe locations of our clients' choosing throughout San Diego County including emergency and transitional shelters; court; alcohol and drug treatment programs; mental health programs and medical clinics; hospitals; jails; and other desired locations. Our mobile services enable us to meet our clients where they are at, physically and emotionally, in a safe, trustworthy environment.

Free to Thrive ensures through its **holistic** approach that all client needs are met, not just their legal needs, by connecting them with any additional services needed to support their recovery, rehabilitation and future goals. The holistic wrap-around services in collaboration with our community partners is critical to fostering client success in all aspects of life and better outcomes in their legal matters. The Clinic maximizes resources and expertise by drawing on existing relationships with client-centered, trauma-informed service providers across San Diego County to comprehensively serve the various needs of this vulnerable client population.

Serving this population, it is critical that our entire staff and our *pro bono* attorneys are all **trauma-informed** to avoid retraumatization of clients and to prevent and address vicarious trauma among our staff and *pro bono* attorneys.

### **Our Services**

Free to Thrive comprehensively addresses the unmet **legal needs** of human trafficking survivors and empowers them to achieve their personal and professional goals. Through our innovative programs, FTT provides the following **legal services**: direct criminal defense and advocacy in criminal cases; legal advocacy in family law and related matters including: domestic violence restraining orders, divorce, child custody, and advocacy in dependency cases, as well as name changes; and clearing criminal convictions connected to our clients' exploitation through California's criminal vacatur law. Through Free to Thrive's S.T.E.P., Free to Thrive helps our clients find skilled *pro bono* attorneys to assist with their specialized legal needs including: business/nonprofit law (formation, employment, intellectual property, contracts, real estate, etc.), civil rights, worker's rights, immigration, civil litigation, bankruptcy, benefits appeals, identity theft, and eviction/landlord tenant.

Clients are also connected to a variety of **supportive services** that cultivate healing and overall well-being, empowerment, financial independence and entrepreneurship, including medical and dental care, mental health services and trauma-healing, case management, safe and supportive housing, food and clothing assistance, business coaching, mentorship, education and employment support, financial skills building, leadership training and cultivation, tattoo removal/cover up, obtaining identification and much more.

## Our Programs & Initiatives

### 1. Human Trafficking Criminal Justice Program

Free to Thrive's Criminal Justice Program advocates for its clients in a variety of criminal matters. Human trafficking survivors are often caught up in the criminal justice system as a result of their trafficking and exploitation. They become addicted to drugs and alcohol because their traffickers forced them to use. Many human trafficking victims will continue to use these substances to numb themselves from their trauma. As a result, they get charged with drug and alcohol crimes such as possession and DUIs. They are also forced by their traffickers and abusers to commit drug-related crimes such as smuggling or sales. They commit petty thefts to support their basic needs. They get charged with domestic violence, assault and battery when defending themselves against their violent partners/traffickers/sex-buyers. Our clients also commonly have open warrants for very old cases and live their lives in fear of getting arrested.

Too often our clients do not disclose their history of exploitation to their court appointed attorneys but will share this information with Free to Thrive's trauma-trained human trafficking attorneys. In doing so, we give our clients a voice in our criminal justice system and advocate for solutions that are in our clients' best interests. We see our clients as victims of abuse, exploitation, and trauma who are in need of social services, sobriety and mental health support, not criminals who should be locked up. When we advocate for our clients, we have spent time with our clients learning about their criminal history, history of exploitation, what has worked or not in the past and what is in the client's best interests.

This program also works with clients who are victims of crime to ensure their rights are protected during the investigation and prosecution of their perpetrators. This can often be dangerous and traumatizing for our clients. We support our clients throughout this process and give them a voice through our advocacy.

We also assist human trafficking survivors who are in jail or prison access legal and social services and plan for successful reentry into society upon release. One of the most instable periods for a survivor are the days and weeks after they are released from jail or prison. While incarcerated, they are in a safe and controlled environment away from their exploiters. Upon release, the vast majority of our clients must choose between being homeless or returning to an unsafe environment. Many do not know that there are services available to help them obtain safe housing as well as trauma-informed mental health services to help them heal from the trauma they have endured. Many survivors will also need assistance getting jobs, completing their education, applying for public benefits, obtaining identification, tattoo removal/coverup and much more. We assist our clients who are in jail or prison set goals and develop concrete plans for their release. This helps reduce recidivism and avoid re-exploitation.

We also serve as expert witnesses in human trafficking-related cases to help the criminal justice system better understand the experience of a human trafficking survivor including recruitment, grooming, isolation, abuse, the cycle of exploitation, criminalization of trafficking victims and survivors, and the challenges of moving past exploitation.

## **2. Family Justice Program**

Human trafficking survivors are often unable to access justice in family court matters due to a lack of resources and traumatization. The Family Justice Program provides human trafficking survivors with trauma-informed legal advocacy in family law and related matters including: domestic violence restraining orders, divorce, child custody, and advocacy in dependency cases. This program also helps our clients legally change their names to stay safe from their traffickers/abusers and get a fresh start. Free to Thrive's staff attorneys provide direct legal representation in family law matters and work with *pro bono* attorneys who provide their legal services free of charge.

Free to Thrive's Family Justice Program also connects clients with the various other services they may need to support their independence and future success including: medical and dental care, safety planning, mental health and trauma-healing, housing/relocation, employment, education and financial empowerment, case management, tattoo removal/cover up, obtaining identification and much more.

## **3. Open Doors Criminal Vacatur Program**

Free to Thrive is one of the leading nonprofits in California helping human trafficking survivors open doors to opportunity and independence by clearing criminal convictions connected to their exploitation through California's criminal vacatur law. Jamie Beck, Free to Thrive's president and managing attorney, advocated for the passage of this law in California after learning that many other states had such laws. She then helped with the implementation of this law and training attorneys on how to use the law to help survivors access this form of justice.

Free to Thrive brought and won the first ever vacatur petition in Orange County and some of the first in San Diego and Los Angeles Counties. Since then, Free to Thrive has successfully vacated clients' criminal records throughout Southern California. Clearing criminal records helps survivors access employment, education, housing, and financial independence. Our clients have commented that they feel free of the shame they carried for having a criminal record and feel empowered to pursue dreams they never thought would be possible – careers in social work, the medical profession, working or volunteering with children, and the legal profession. Our clients also found the process healing as well as an opportunity for justice – one client commented that her vacatur hearing was “the first positive experience [she] ever had in a court.” Free to Thrive is using the criminal vacatur process to clear a path to freedom for human trafficking survivors.

This program is supported by *pro bono* attorneys trained by Free to Thrive in criminal vacatur and trauma-informed lawyering. Free to Thrive's staff attorneys also represent clients in criminal vacatur matters.

#### **4. Survivors of Trafficking Empowerment Program (S.T.E.P.)**

Free to Thrive's empowerment model is focused on breaking down barriers and building opportunities for human trafficking survivors. Human trafficking survivors experience a variety of legal barriers that stand between them and their freedom and future success. Free to Thrive's Survivors of Trafficking Empowerment Program (S.T.E.P.) breaks down legal barriers by helping our clients find skilled *pro bono* attorneys to assist with their specialized legal needs including: business/nonprofit law (formation, employment, intellectual property, contracts, real estate, etc.), civil rights, worker's rights, immigration, civil litigation, bankruptcy, benefits appeals, identity theft, and eviction/landlord tenant. Our clients are represented by some of the top law firms free of charge.

This program also connects clients to a variety of services that cultivate health and well-being, empowerment, financial independence and entrepreneurship, including business coaching, mentorship, education, employment, financial skills building, leadership training and cultivation, mental health and trauma healing, case management, housing, tattoo removal/cover up, obtaining identification and much more. Free to Thrive's S.T.E.P. builds opportunities for its clients to gain their financial independence and thus their freedom from the economic ties that bind them to their traffickers, exploiters and abusers.

#### **5. LGBTQ Trafficking Survivors Access to Justice Initiative**

Free to Thrive's LGBTQ Trafficking Victim's Access to Justice Initiative helps identify and serve LGBTQ victims and survivors of human trafficking. Free to Thrive achieves this through community outreach to groups serving the LGBTQ community and targeted outreach in our jails and prisons to help LGBTQ trafficking victims and survivors access our programs and services. Currently, 22% of our clients identify as LGBTQ.

According to Polaris Project, LGBTQ youth face higher rates of discrimination, violence, and economic instability than their non-LGBTQ peers. When faced with fewer resources, employment opportunities, or social supports, LGBTQ youth who are away from home must find ways to meet their basic needs and may therefore enter the street economy, engaging in commercial sex to meet these needs. Others may then seek to exploit these vulnerabilities in order to compel youth into commercial sex. LGBTQ youth are 3-7 times more likely to engage in survival sex to meet their basic needs, such as shelter, food, drugs, and toiletries. In light of the increased vulnerability and exploitation among LGBTQ youth, Free to Thrive is actively engaged in identifying and supporting survivors.

## **Labor Trafficking Brief Overview**

There are various forms of labor trafficking including debt bondage, involuntary servitude, forced labor and child labor. Labor trafficking occurs in a number of industries including, but not limited to, construction, agriculture, health and elder care, domestic work, janitorial, manufacturing, hospitality & restaurants, labors, illicit massage, nail salons, candy & flower sales. At Free to Thrive we have also seen some novel forms of human trafficking including forced panhandling, and forced illegal activities such as drug sales, drug trafficking and human smuggling. In San Diego, there was recently an indictment of a “church” that was labor trafficking homeless drug addicts.

Each of these types of labor trafficking is unique, occurs in different communities and impact different groups of people. This makes it nearly impossible to address it as a whole. Rather, those working in this space must look at each type of labor trafficking as a distinct form of labor trafficking. For example, trafficking of domestic workers is often in homes and the employers are individuals. The victims are predominantly female. In contrast, labor trafficking in construction involves businesses exploiting their laborers and the workers are predominantly male. Given the distinctions between the different forms of labor trafficking, we recommend that the Little Hoover Commission (the “Commission”), avoid lumping them all together in its analysis and recommendations.

### **Barriers on the Path to Help & Healing**

There are many barriers for labor trafficking victims in their path to finding help and healing. Here are a few of the barriers:

1. Not knowing they are victims
2. Not knowing there are services available/not knowing where to go for help
3. Fear of harm from traffickers
4. Fear of deportation
5. Language barriers
6. Physical isolation
7. Lack of capacity of social services providers to serve them
8. Lack of adequate services
9. Lack of coordination among service providers

Any discussion on how to help more labor trafficking survivors should focus on removing or overcoming as many of these barriers as possible.

### **The Challenges of Identifying Victims and Survivors**

Free to Thrive serves survivors of all forms of human trafficking, but most of its clients are survivors of sex trafficking. Statistically, there is more labor trafficking in San Diego than sex trafficking, so you would expect that to be reflected in our client population. There are a number of reasons we do not have more labor trafficking clients. One reason is that victims of labor trafficking are even more isolated from society by their traffickers than victims of sex trafficking. They are also far more likely to be foreign nationals and many are undocumented, creating a fear of deportation if they seek help. This is one of the primary means of coercion and control used by their exploiters. Moreover, sex trafficking victims are more likely to be involved in the criminal justice system – both as victims of crime and defendants charged with crimes. We do significant outreach in jails and prisons and that is how many of our clients first connect with us.

This reality makes it incumbent upon social services providers serving victims and survivors of labor trafficking to conduct outreach targeted at the communities and industries most impacted by labor trafficking. The sad reality is organizations like Free to Thrive are overwhelmed with clients without doing such outreach and often lack the resources to do the outreach or serve more clients. In light of this, we recommend additional resources be made available that are specifically focused on labor trafficking outreach and services.

### **Recommendations**

In light of the barriers faced by victims and the challenges faced by providers, we recommend the following:

#### **1. Research**

Conduct further research on the specific industries where labor trafficking is prevalent and develop solutions designed to address the issues that are unique to that industry.

#### **2. Funding for Outreach and Services**

Identify funding sources for outreach and services. The reality is victims will not seek out services if they do not know they are victims, are isolated and do not know such services exist. As such, there needs to be targeted outreach within the industries where labor trafficking exists to help identify victims and connect them to services. This outreach will hopefully lead to an increase in the number of survivors accessing services. Service providers are already overwhelmed with clients. As such, there needs to be increased funding to support the programs serving labor trafficking victims and survivors.

#### **3. Increased Focus on Coordinated Care**

Most of the programs serving human trafficking victims and survivors are operating in silos. There must be an increased focus on coordinated care among service providers statewide.